

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT L. GARBER, on behalf of :
himself and all others similarly situated, :
 :
Plaintiff, :
 :
vs. : **Civil Action No. 1:07-cv-11422-UA**
 :
WASHINGTON MUTUAL, INC., *et al.*, :
 :
Defendants. :
-----X

JOEL ABRAMS, *et al.*, on behalf of :
themselves and all others similarly situated, :
 :
Plaintiffs, :
 :
vs. :
 :
WASHINGTON MUTUAL, INC., *et al.*, : **Civil Action No. 1:07-cv-09806-AKH**
 :
Defendants. :
-----X

DENNIS KOESTERER, on behalf of :
himself and all others similarly situated, :
 :
Plaintiff, :
 :
vs. :
 :
WASHINGTON MUTUAL, INC., *et al.*, : **Civil Action No. 1:07-cv-09801-CM**
 :
Defendants. :
-----X

[PROPOSED] ORDER

After having considered the Motion of certain New York City Pension Funds (the “NYC Police and Fire Pension Funds”), the Memorandum of Law in Support of the NYC Police and Fire Pension Funds’ Motion for Consolidation, For Appointment As Lead Plaintiff and Approval of Lead Counsel, the accompanying Declarations of Peter D. St. Phillip, Jr. and Keith M. Snow, and the proceedings had herein,

IT IS HEREBY ORDERED that:

1. The actions captioned *Garber v. Washington Mutual, Inc.*, Civil Action No. 1:07-cv-11422-UA and *Abrams v. Washington Mutual, Inc.*, Civil Action No. 1:07-cv-09806-AKH shall be transferred and are consolidated with the action captioned *Koesterer v. Washington Mutual, Inc.*, Civil Action No. 1:07-cv-09801.

2. The Court determines that the NYC Police and Fire Pension Funds constitute the “most adequate plaintiff” pursuant to § 21D(a)(3)(B) of the Securities Exchange Act of 1934 (“Exchange Act”) and appoints the NYC Police and Fire Pension Funds as Lead Plaintiff in this action.

3. Lead Plaintiff, pursuant to § 21D(a)(3)(B) of the Exchange Act, has selected and retained Lowey Dannenberg Cohen, P.C., as counsel to represent the Class, and the Court approves said counsel as lead counsel.

IT IS SO ORDERED.

DATED: _____

United States District Judge